

REMARKS

Claims 1-28 are all the claims pending in the application, including claims 14-28 added by the present Amendment.

Claims 1, 4, and 8 are objected to. Also, claims 1, 4, and 8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, and as being incomplete for omitting essential elements.

Claims 1, 4, 9-11, and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Suzuki et al. (US 4,930,008, hereafter "Suzuki"). Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki et al. in view of Moriguchi (US 4,490,740).

Claims 3, 5-7, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Regarding the objections to the claims, Applicant has the following response. Claim 1 is amended, as suggested by the Examiner, by changing "originals" to "original."

For claim 4, Applicant submits that the phrase "one of transmitted through and reflected from the image" recited in the claim is definite. This phrase is a typical recitation of an alternative expression of claim features, which imparts no indefiniteness to the claim.

Claim 8 is amended to recite that there are one or more originals in the image reading device of claim 8. The recitation of one or more originals clarifies the "a number of the conveyed originals" phrase in the claim, by indicating that there can be more than one original and thus a number corresponding to each original.

Therefore, Applicant submits that the objections to the claims are hereby overcome.

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Claims 1, 4, and 8 are rejected as allegedly being incomplete for omitting essential elements, and as allegedly being indefinite. The Examiner asserts that the omitted elements are “light emitting element units being respectively separately controlled.” However, each of claims 1, 4, and 8 recite the allegedly missing elements at lines 8-9. During an interview with Applicant’s representative on July 31, 2003, the Examiner and her supervisor requested that a separate controller element be recited in the claims to address the § 112 rejection. The claims have been amended as requested, and Applicant submits that the § 112, second paragraph, rejections of claims 1, 4, and 8 are hereby overcome.

Claims 1, 4, and 9-11 are rejected as allegedly being anticipated by Suzuki. Applicant traverses the rejection with the following comments. Applicant submits that Suzuki fails to teach or suggest all of the limitations of independent claims 1 and 4.

In particular, Suzuki does not disclose light emission of the plurality of light emitting element units being respectively separately controlled, as recited by claims 1 and 4. The Examiner cites col. 4, lines 35-50 as allegedly disclosing this feature of the claims. However, the cited excerpt discloses that the lights, i.e., LEDs 13R and 13Y and the fluorescent light source 12, are selected so that they have the characteristics shown in FIG. 6. In other words, the three light sources are selected to be used in Suzuki’s scanner to have certain wavelengths of light. Such a disclosure is quite different from the recitation of claims 1 and 4 of the light emission of the plurality of light emitting element units being respectively separately controlled. It is further noted that the light emitting elements are controlled in tandem, separated by time delays t1 and t2 for example. See FIG. 7 and col. 6, lines 13-19. Thus, the light emitting elements are not

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separately controlled as claimed. Therefore, claims 1 and 4 are allowable over the prior art, for at least this reason.

Also, Suzuki does not teach or suggest the optical member claimed in claims 1 and 4. The Examiner refers to the multi-lens-array 4 and col. 3, line 66 - col. 4, line 8, as allegedly disclosing this feature of the claims, but Applicant disagrees. As shown in FIG. 4 of the reference, the multi-lens-array 4 does not irradiate light emitted from the plurality of light emitting element units across at least a substantially entire width of the original in the first direction, as recited by claim 1. Similarly, Suzuki fails to disclose the optical member for guiding light emitted from each of the plurality of light emitting element units such that the light is irradiated to the original, as recited in claim 4. Instead, light is emitted from the LEDs 13R and 13Y directly onto the original document 1, and the multi-lens-array 4 of Suzuki focuses light from the original to the CCD line sensor 3. Thus, claims 1 and 4 are allowable over the prior art for this additional reason.

With regard to the Examiner's assertion that "[i]t is inherent that the optical member be the entire width of the original in order to irradiate light from the plurality of light emitting elements" (see page 4, first full paragraph of the Office Action), Applicant submits that the Examiner's assertion is not necessarily true. For example, depending on the desired level of quality and the importance of the edges of the images of the image reading, the optical member could even be narrower than the original.

Furthermore, for reasons analogous to those presented above for claims 1 and 4, Applicant submits that claims 9-11 and 13 are allowable over the prior art.

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Additionally, since claim 8 is not rejected over the prior art and the 35 U.S.C. § 112 rejections of claim 8 are traversed as described above, Applicant submits that claims 9-11 and 13 are allowable due to their dependence from claim 8. It is further noted that the Examiner cannot consistently deem independent claim 8 as not rejected over prior art and yet reject its dependent claims.

Claim 2 is rejected over Suzuki in view of Moriguchi. Applicant submits that claim 2 is allowable over the prior art, at least because of its dependence from claim 1 and because Moriguchi fails to make up for the deficiencies of Suzuki.

New claims 14-28 are added to further define the present invention, and are believed to be allowable at least because of their dependence from claims 1, 4, and 8, respectively.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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